

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

GENIE R. McGARVEY and R. KEVIN  
McGARVEY, Administrators of the Estate of Murray  
P. McGarvey, deceased,

Plaintiffs,

No. 06CV 576 TCK-SAJ

v.

JOHN F. SPECIAL; SPECIAL EXPLORATION CO.,  
INC., an Oklahoma for Profit Corporation; and  
CHEROKEE YACHT CLUB, INC., an Oklahoma for  
Profit Corporation,

Defendants,

AND

JOHN F. SPECIAL; SPECIAL  
EXPLORATION CO., INC.; and  
CHEROKEE YACHT CLUB, INC.

Third Party Plaintiffs,

v.

JASON BANDY; JUSTIN DOOLIN; and BIG  
SHOT'S RHYTHM AND BOOZE, L.L.C.

Third Party Defendants.

**DEFENDANT/THIRD-PARTY PLAINTIFF CHEROKEE YACHT CLUB, INC.'S**  
**PRELIMINARY WITNESS LIST**

COMES NOW, Defendant/Third-Party Plaintiff Cherokee Yacht Club, Inc., and  
submits the following as its preliminary list of witnesses:

**WITNESSES**

	NAME	ADDRESS	SUBSTANCE TESTIMONY
1.	Allred, Shawn	Grand Lake Patrol Office PO Box 70 Langley, OK 74350	Lake Patrol Officer who will testify in regard to facts and circumstances of accident investigation and other related subjects.
2.	Anderson, Brandi	1607 S. Lewis Ave. Tulsa, Oklahoma 74114 918-964-9125	Cherokee Yacht Club waitress who will testify regarding events of the evening in question, observations as to John Special, and other issues relating to Cherokee Yacht Club.
3.	Atherton, Justin, M.D.	1725 E. 19 <sup>th</sup> St. Tulsa, OK 74104 918-744-2505	Physician who will testify as to various aspects and expectations as to medical treatment provided to Jason Bandy
4.	Bandy, Jason	C/O Rich Hathcoat 525 S. Main St. Tulsa, Oklahoma 74103 918-585-2394	Boat operator of the Formula Boat that collided with the boat of John Special who will testify in regard to events preceding accident, operation of boat, alcohol consumption, facts and circumstances surrounding accident, and as per anticipated deposition.
5.	Bauerlein, Lewis	OSBI 6600 N. Harvey Oklahoma City, OK 73116-7910	OSBI Agent will testify in regard to facts and circumstances of accident investigation and other related subjects.
6.	Bidleman, Derrick	Grand Lake Patrol Office PO Box 70 Langley, OK 74350	Lake Patrol Officer who will testify in regard to facts and circumstances of accident investigation and other related subjects.
7.	Bighead, Andrea	OSBI 6600 N. Harvey Oklahoma City, OK	OSBI Agent will testify in regard to facts and circumstances of accident

	NAME	ADDRESS	SUBSTANCE TESTIMONY
		73116-7910	investigation and other related subjects.
8.	Bond, Larry	PO Box 369 Stillwater, OK 74076	Companion of John Special on the night in question who will testify regarding events of the evening in question, observations as to John Special, other issues relating to boating activity, and as per deposition.
9.	Bond, Robin	PO Box 369 Stillwater, OK 74076	Companion of John Special on the night in question who will testify regarding events of the evening in question, observations as to John Special, other issues relating to boating activity, and as per deposition.
10.	Carlson, Clint	Grand Lake Patrol Office PO Box 70 Langley, OK 74350	Lake Patrol Officer who will testify in regard to facts and circumstances of accident investigation and other related subjects.
11.	Chambers, Ken	320 Short Grass Rd. Edmond, Oklahoma 73003 405-348-3333	Operator of a boat who witnessed boat collision who will testify regarding events of the evening in question, observations as to boating accident, and other issues relating to boating activity.
12.	Chernicky, David	1307 S. Boulder Ave. Tulsa, OK 74419	Witness to testify as to information pertaining to evening in question and as per deposition.
13.	DiStefano, R. F., D.O.	6584 S. Yale Tulsa, Oklahoma 74136	Medical Examiner that examined Murray McGarvey's body and performed autopsy who will testify in regard to findings and conclusions therein.
14.	Doolin, Justin	C/O Rich Hathcoat 525 S. Main St. Tulsa, Oklahoma 74103	Boat owner of the Formula Boat that collided with the boat of John Special who

	NAME	ADDRESS	SUBSTANCE TESTIMONY
		918-585-2394	will testify in regard to events preceding accident, operation of boat, and facts and circumstances surrounding accident.
15.	Edwards, David	Grand Lake Patrol Office PO Box 70 Langley, OK 74350	Lake Patrol Officer who will testify in regard to facts and circumstances of accident investigation and other related subjects.
16.	Frost, Janette	C/O Dan Folluo 100 West 5 <sup>th</sup> St., Suite 400 Tulsa, OK 74103	Co-owner of Cherokee Yacht Club who will testify as to operations, finances, and other employment related matters.
17.	Frost, Terry	C/O Dan Folluo 100 West 5 <sup>th</sup> St., Suite 400 Tulsa, OK 74103	Co-owner of Cherokee Yacht Club who will testify as to operations, finances, and other employment related matters.
18.	Kauffman, Dick	Delaware County Sheriff's Office Jay, Oklahoma	Patrol Reservist who will testify in regard to facts and circumstances of accident investigation and other related subjects.
19.	LaGere, Tracie	605 NW Eubanks Oklahoma City, OK 73118 918-671-9293	Boat passenger of the Formula Boat that collided with the boat of John Special who will testify in regard to events preceding accident, operation of boat, and facts and circumstances surrounding accident.
20.	Littlefield, Jason	Grand Lake Patrol Office PO Box 70 Langley, OK 74350	Lake Patrol Officer who will testify in regard to facts and circumstances of accident investigation and other related subjects.
21.	Mahoney, Mike	451686 Congressional Afton, Oklahoma	Cherokee Yacht Club manager who will testify regarding events of the evening in question, observations as to John Special, and other issues

	NAME	ADDRESS	SUBSTANCE TESTIMONY
			relating to Cherokee Yacht Club.
22.	McGarvey, Jenie	C/O Walt Haskins 525 S. Main St., Suite 1500 Tulsa, OK 74103 918-582-8877	Co-Administrator of the Estate of Murray McGarvey who will testify as per deposition.
23.	McGarvey, Kevin	C/O Walt Haskins 525 S. Main St., Suite 1500 Tulsa, OK 74103 918-582-8877	Co-Administrator of the Estate of Murray McGarvey who will testify as per deposition.
24.	Meibergen, J. L. "Butch"	32998 Berryman Turn Ketchum, OK (918) 782-2552	Social friend of John Special that was with him at some points on the night in question who will testify regarding events of the evening in question, observations as to John Special, and other issues relating to John Special.
25.	Meibergen, Margie	32998 Berryman Turn Ketchum, OK (918) 782-2552	Social friend of John Special that was with him at some points on the night in question who will testify regarding events of the evening in question, observations as to John Special, and other issues relating to John Special.
26.	Miller, Lance	2101 Fair Meadow Dr. Edmond, OK	Passenger in a boat who witnessed boat collision will testify regarding events of the evening in question, observations as to boating accident, and other issues relating to boating activity.
27.	Moore, Billy	Grand Lake Patrol Office PO Box 70 Langley, OK 74350	Lake Patrol Officer who will testify in regard to facts and circumstances of accident investigation and other related subjects.
28.	Mullenex, Larry	To Be Supplemented	Cherokee Yacht Club manager who will testify

	NAME	ADDRESS	SUBSTANCE TESTIMONY
			regarding events of the evening in question, observations as to John Special, and other issues relating to Cherokee Yacht Club.
29.	Noah, Luke	1115 W. 17 <sup>th</sup> St. Tulsa, OK 74107	Investigator for Medical Examiner's Office will testify in regard to
30.	O'Neal, Dee Ann	3905 High Meadow Edmond, OK 73003	Companion of John Special on the night in question who will testify regarding events of the evening in question, observations as to John Special, and other issues relating to boating activity.
31.	Saffell, Randy	1115 W. 17 <sup>th</sup> St. Tulsa, OK 74107	Employee of Medical Examiner will testify in regard to autopsy of Murray McGarvey's and findings and conclusions therein.
32.	Smith, Bruce Lake Patrol Chief	Grand Lake Patrol Office PO Box 70 Langley, OK 74350	Lake Patrol Officer who will testify in regard to facts and circumstances of accident investigation and other related subjects.
33.	Special, John F.	C/O Jim Mondl 701 Market St., Suite 260 St. Louis, MO 63101	John Special will testify as per pending deposition and as to numerous events and circumstances both before and after the boating accident.
34.	Spurlock, Angela	OSBI 6600 N. Harvey Oklahoma City, OK 73116-7910	OSBI Agent will testify in regard to facts and circumstances of accident investigation and other related subjects.
35.	Swint, Robert	1301 Gemini Houston, TX 77058 281-480-9847	Accident re-constructionist for ATA Associates who will testify regarding results and conclusions of accident reconstruction and as to other areas material to this boating accident.

	NAME	ADDRESS	SUBSTANCE TESTIMONY
36.	Tyler, Ty	501 N.W. 15 <sup>th</sup> Oklahoma City, OK 73103	Companion of John Special on the night in question who will testify regarding events of the evening in question, observations as to John Special, and other issues relating to boating activity.
37.	Usrey, Tony	Delaware County Sheriff's Office Jay, Oklahoma	Deputy who will testify in regard to facts and circumstances of accident investigation and other related subjects.
38.	A Toxicology expert will be identified at such time as is required by the Scheduling Order		To be supplemented upon completion of expert report
39.	A Pathology expert will be identified at such time as is required by the Scheduling Order		To be supplemented upon completion of expert report
40.	Independent Medical Examiners will be identified at such time as is required by the Scheduling Order		To be supplemented upon completion of expert report
41.	An Accident Reconstructionist and/or Occupant Kinematics expert will be identified at such time as is required by the Scheduling Order		To be supplemented upon completion of expert report
42.	A Boat Appraisal Expert will be identified at such time as is required by the Scheduling Order		To be supplemented upon completion of expert report
43.	All additional medical providers for Jason Bandy		Will testify regarding medical treatment of Jason Bandy
44.	Necessary Records Custodians		Will authenticate and sponsor various relevant records
45.	Employers and Supervisors of Murray McGarvey and Jason		Will testify regarding earnings and position of Murray McGarvey and

	NAME	ADDRESS	SUBSTANCE TESTIMONY
	Bandy		Jason Bandy
46.	Additional Cherokee Yacht Club Employees of “Hookers” working on the night in question		Cherokee Yacht Club waitress who will testify regarding events of the evening in question, observations as to John Special, and other issues relating to Cherokee Yacht Club.
47.	Employees of Big Shot’s Rhythm and Booze working on the night in question		Representative to testify as to facts and circumstances of consumption by Bandy, Doolin, McGarvey, and LaGere and as to policies and procedures regarding service of alcohol.
48.	Corporate Representative of Big Shots’ Rhythm and Booze		Representative to testify as to facts and circumstances of consumption by Bandy, Doolin, McGarvey, and LaGere and as to policies and procedures regarding service of alcohol.
	All Witnesses listed by any other party to which Cherokee Yacht Club has no objection		
	Cherokee Yacht Club reserves the right to name additional witness during the course of discovery		



Respectfully submitted,

/s/Nathan E. Clark

DAN S. FOLLUO, OBA #11303  
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Certificate of Service

I hereby certify that on the 15th day of February, 2007, I electronically transmitted the foregoing document to the Clerk of Court using ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Michael P. Atkinson

Walter D. Haskins, III

Andrews Charles Jayne

John R. Woodward, II

Curtis R. Roberts

Jason Lee Glass

James W. Conner

Donald M. Bingham

Richard L. Hathcoat

Douglas A. Wilson

I hereby certify that on the 9th day of February, 2007, I served the same document by U.S. Postal Service on the following who are not registered participants of the ECF system:

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s/Nathan E. Clark

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